

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

R. ALEXANDER ACOSTA, Secretary of
Labor, United States Department of Labor,

Plaintiff,

-against-

AFFIDAVIT

5:17-cv-00561-BKS-ATB

LIBERTY GAS STATION AND CONVENIENCE STORE,
LLC, LIBERTY PIZZA & CONVENIENCE, INC.,
HUSEYIN TURAN, Individually and as Owner,

Defendants.

LAWRENCE M. ORDWAY, Jr., being duly sworn, deposes and states as follows:

1. I am an attorney duly licensed to practice law before the Courts of the State of New York and am admitted in the United States District Court for the Northern District of New York. I am a member of the law firm of Bousquet Holstein, PLLC ("Bousquet Holstein"), which is counsel for Defendants Liberty Gas Station and Convenience Store, LLC, Liberty Pizza & Convenience, Inc., and Huseyin Turan. As such, I am fully familiar with the facts and circumstances herein.

2. I make this Affidavit in support of Bousquet Holstein's Application to Withdraw as Counsel of Record for the Defendants pursuant to [REDACTED] and Local Rule 83.2(b).

[REDACTED]

[REDACTED]

3. Bousquet Holstein was retained to represent Defendants in this matter on or about July 6, 2017. A copy of the retainer agreement is attached as **Exhibit "A"**.

4. Plaintiff initiated this litigation on May 22, 2017, by filing a Summons and Complaint. The Complaint alleges various violations of the Fair Labor Standards Act related to wages and hours.

5. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

6. [REDACTED]
[REDACTED]
[REDACTED]

7. Bousquet Holstein further believes that its withdrawal will not have a material adverse effect on Defendants.

8. [REDACTED]
[REDACTED]
[REDACTED]

9. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

10. [REDACTED]
[REDACTED]

11. The procedural posture of this litigation is as follows: the parties have engaged in substantial paper discovery and have concluded an unsuccessful mediation. Defendants anticipate the need to conduct numerous depositions as part of the remainder of discovery.

12. In light of the unsuccessful mediation, Bousquet Holstein is uncertain that this matter may be resolved prior to additional discovery and taking of numerous depositions. Bousquet Holstein further believes that this matter will not be resolved prior to trial.

13. [REDACTED]

14. Bousquet Holstein notified Plaintiff's counsel of its intention to withdraw as counsel during a teleconference before Magistrate Judge Baxter on February 5, 2018.

15. [REDACTED] and to eliminate any prejudice to Plaintiff, Bousquet Holstein wishes to withdraw at this point, rather than to wait until this litigation has continued further.

16. Bousquet Holstein has also placed Defendants on notice of its intent to withdraw as their counsel and provided them with an opportunity to obtain new counsel before filing this motion.

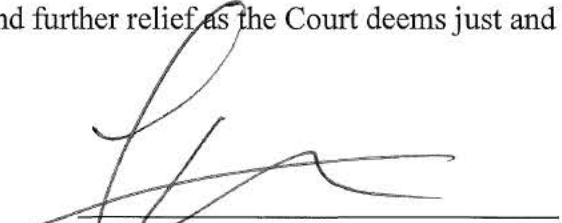
17. [REDACTED]

18. In addition to the instant Motion to Withdraw, Bousquet Holstein respectfully requests that the Court provide Defendants with at least 60 days to obtain new counsel in this matter.

WHEREFORE, Bousquet Holstein respectfully requests and Order of this Court granting its Motion to Withdraw, and providing Defendants with a time period of at least 60 days in

which to secure new counsel, along with such other and further relief as the Court deems just and proper.

Dated: February 28, 2018



Lawrence M. Ordway, Jr., Esq.
Bar Roll No. 509310

Sworn to before me this
28th day of February, 2018.



Notary Public

Notary Public, State of New York
Qualified in Onondaga Co. No. 02ER6256485
My Commission Expires February 27, 2020